

VILLAGE OF EMPIRE PLANNING COMMISSION
TUESDAY, MARCH 1, 2022, at 6:30 PM
EMPIRE TOWNSHIP HALL – 10088 FRONT STREET
PUBLIC HEARING AND REGULAR MEETING

PUBLIC HEARING – Transportation Plan Update 2022

CALL MEETING TO ORDER

ROLL CALL

APPROVAL OF MINUTES –Regular Meeting 02/01/2022

TREASURER'S REPORT

ADDITIONS OR CHANGES TO THE AGENDA

CONFLICT OF INTEREST

CORRESPONDENCE / PUBLIC COMMENT

ZONING ADMINISTRATOR'S REPORT

UNFINISHED BUSINESS

1. Transportation Plan
2. Ordinance No. 119 - Mass Gathering Ordinance

NEW BUSINESS

COMMITTEE REPORTS

PUBLIC COMMENT

PLANNING COMMISSION MEMBERS AND CHAIRPERSON COMMENTS

ADJOURNMENT

Persons with questions or individuals with disabilities requiring auxiliary aids or services to effectively participate in the meeting should contact the Village of Empire Office at (231) 326-5466, PO Box 253, Empire, MI 49630, or at deputyclerk@villageofempire.com.

**EMPIRE VILLAGE PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 1, 2022**

The Empire Village Planning Commission (PC) held a regular meeting on February 1, 2022 at 7:00 p.m.

ROLL CALL –Maggie Bacon, John Collins, Bob Chase, Peter Schous, John Lambkin, Chris Webb and Planner Grobbel present. Deering was excused.

APPROVAL OF MINUTES – Motion by Bacon, supported by Webb to approve December 7, 2021 public hearing and special meeting minutes as presented. All in favor, MOTION PASSED.

TREASURER’S REPORT – Webb went over the financial report for period ending 01/31/2022. Members briefly discussed the budget for 2022-23.

ADDITIONS/CHANGES TO THE AGENDA – Add Budget to New Business.

CONFLICT OF INTEREST – None

PUBLIC COMMENTS & CORRESPONDENCE – None.

ZONING ADMINISTRATOR’S REPORT – Grobbel spoke to a variance request and a mass gathering event application for Michigan Outback Relay to end their race at Reynolds Park (Lions Club).

UNFINISHED BUSINESS

Transportation Plan

Schous thanked Bacon for her time and hard work on updating the transportation plan with the proposed changes. Discussion took place around any changes that were made to fine tune the draft, including changes to electric charging. Eliminate page 10. Delete (see page 10) on previous page.

Motion by Bacon, support by Lambkin to set a public hearing on the Transportation Plan Update 2022 beginning at 6:30pm, prior to the regular meeting. All in favor, MOTION PASSED.

Mass Gathering Ordinance No. 119

Grobbel stated that Suttons Bay uses a small committee to review applications.

Suttons Bay also has a rule that no two (2) mass gatherings can take place on the same day. Consideration should be given on how to handle multiple events.

Other ideas to incorporate are:

- Increase threshold from 350 to 500.
- Increase to 90 days from 45
- Enforce traffic control
- Plan for traffic control
- Location, time and duration of Village owned property be determined
- Increase application fee to \$1000 to 1,500 from \$500.
- If there is an additional cost, there is a mechanism to collect.

Grobbel told members to email him questions or ideas prior to the March meeting and this ordinance will be added to old business on the agenda.

NEW BUSINESS

Approve FY 2022-23 Planning Commission Meeting Schedule

Members agreed to approve the FY 2022-23 meeting schedule which eliminates the July, August, December, and January regular meetings.

FY 2022-23 Planning Commission Budget

Members discussed the 2022-23 budget, and all agreed that work should happen to update and codify the 2006 Zoning Ordinance. Planner Grobbel agreed to do it for \$2,500. The planning commission is requesting that this invoice is paid out of the current year budget. Bacon will submit the planning commission's requested budget to the clerk.

PUBLIC COMMENT – None.

PLANNING COMMISISON MEMBERS AND CHAIRPERSON COMMENTS – None.

ADJOURNMENT – There being no further business, Schous moved that the meeting be adjourned at 8:40 pm.

Respectfully submitted,

Alacia Acton
Recording Secretary

These draft minutes will be considered for approval at the March 1, 2022, Village of Empire Planning Commission special meeting.

BUDGET REPORT FOR VILLAGE OF EMPIRE
Fund: 101 GENERAL FUND

Calculations as of 02/28/2022

Adopted Budget

GL NUMBER	DESCRIPTION	2020-21 ACTIVITY	2021-22 AMENDED BUDGET THRU	2021-22 ACTIVITY COUNCIL REVIEW 02/28/22	2022-23 BUDGET
APPROPRIATIONS					
Dept 265 - ADMINISTRATION					
101-265-874	RETIREMENT	1,816.02	2,000.00	1,327.72	2,000.00
101-265-880	BEAUTIFICATION	949.35	1,500.00	682.89	1,500.00
101-265-900	PRINT & PUB	641.75	1,000.00	403.10	1,000.00
101-265-921	ELECTRICITY	1,379.17	1,700.00	1,487.09	1,700.00
101-265-923	HEAT		500.00		
101-265-930	REPAIRS & MAINTENANCE	1,943.65	7,500.00	4,829.82	8,500.00
101-265-931	STORM SEWER CLEANOUT		2,000.00	2,100.00	2,000.00
101-265-933	SOFTWARE MAINTENANCE/SUPPOR	1,485.00	4,100.00	3,500.00	4,000.00
101-265-956	DUES & MISC	457.52	1,000.00	234.00	1,000.00
101-265-957	BANK CHARGES	197.23	100.00		100.00
101-265-965	CONTR TO OTHER FUNDS	25,000.00	25,000.00	25,000.00	25,000.00
101-265-966	GF CONTR - AIRPORT	750.00	750.00		750.00
101-265-967	GF CONTRIB - LIONS	500.00	500.00		500.00
101-265-970	CAPITAL OUTLAY - OFFICE ADD		20,000.00	3,663.00	15,000.00
101-265-978	EQUIPMENT RENTAL	31,397.93	22,000.00	17,285.51	22,000.00
101-265-979	OUTLET MAINTENANCE - EQUIP	21,818.20	11,000.00	1,676.77	5,000.00
101-265-984	SOFTWARE		500.00		500.00
Totals for dept 265 - ADMINISTRATION		170,307.63	183,550.00	137,935.27	171,550.00
Dept 444 - SIDEWALKS					
101-444-930	REPAIRS & MAINTENANCE				12,000.00
Totals for dept 444 - SIDEWALKS					12,000.00
Dept 446 - ALLEYS					
101-446-930	REPAIRS & MAINTENANCE				40,000.00
101-446-970	CAPITAL OUTLAY - ALLEYS				50,000.00
Totals for dept 446 - ALLEYS					90,000.00
Dept 448 - STREET LIGHTING					
101-448-921	STREET LIGHTING	8,831.17	10,000.00	8,643.84	10,000.00
Totals for dept 448 - STREET LIGHTING		8,831.17	10,000.00	8,643.84	10,000.00
Dept 721 - PLANNING COMMISSION					
101-721-701	WAGES - PLANNING COMMISSION	3,890.00	4,300.00	3,025.00	4,300.00
101-721-702	WAGES - PLANNING SECY	1,100.00	1,100.00	800.00	1,100.00
101-721-715	PR TAX EXP - COMM PLANNING	381.77	400.00	292.63	400.00
101-721-726	SUPPLIES	74.06	100.00	114.99	100.00
101-721-730	POSTAGE	55.00	100.00	88.00	100.00
101-721-821	PROFESSIONAL	5,419.50	8,000.00	5,462.50	7,000.00
101-721-826	LEGAL FEES	756.00	1,500.00		1,500.00
101-721-860	TRANSPORTATION		100.00		100.00
101-721-900	PRINT & PUB	427.54	1,200.00	619.95	1,000.00
101-721-950	SEMINARS	275.00	1,000.00		1,000.00
101-721-955	DUES & MISC	95.00	100.00		100.00
Totals for dept 721 - PLANNING COMMISSIO		12,473.87	17,900.00	10,403.07	16,700.00
Dept 722 - ZONING COMMISSION					
101-722-701	WAGES - BOARD OF APPEALS	205.00	400.00		400.00
101-722-702	WAGES - ZONING ADMIN	8,429.98	8,750.00	8,737.73	8,750.00
101-722-715	PR TAX EXP - ZONING	660.58	700.00	668.43	700.00
101-722-726	SUPPLIES		25.00		25.00
101-722-826	LEGAL FEES	98.00	200.00		200.00
101-722-900	PRINT & PUB	85.60	100.00		100.00
Totals for dept 722 - ZONING COMMISSION		9,479.16	10,175.00	9,406.16	10,175.00
Dept 751 - PARKS					
101-751-702	WAGES - PARK MAINT	18,567.67	20,000.00	26,414.48	26,000.00
101-751-703	WAGES - AMBASSADOR	9,841.00	13,000.00	6,519.91	8,000.00
101-751-704	WAGES - PARKS CLERK	2,399.90	7,000.00	2,383.27	7,000.00
101-751-715	PR TAX EXP - PARK	2,356.79	3,000.00	2,701.93	3,000.00

VC 2/22/22

125.3839 Master plan; adoption; procedures; notice; submittals; use of electronic mail.

Sec. 39. (1) A master plan shall be adopted under the procedures set forth in this section and sections 41 and 43. A master plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the planning jurisdiction or with functional subject matter areas of the master plan.

(2) Before preparing a master plan, a planning commission shall send to all of the following, by first-class mail or personal delivery, a notice explaining that the planning commission intends to prepare a master plan and requesting the recipient's cooperation and comment:

(a) For any local unit of government undertaking a master plan, the planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.

(b) For a county undertaking a master plan, the regional planning commission for the region in which the county is located, if any.

(c) For a county undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) For a municipality undertaking a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that municipality is located. If there is a county planning commission, the municipal planning commission may consult with the regional planning commission but is not required to do so.

(e) For a municipality undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which that municipality is located.

(f) For any local unit of government undertaking a master plan, each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within the local unit of government, and any government entity that registers its name and mailing address for this purpose with the planning commission.

(g) If the master plan will include a master street plan, the county road commission and the state transportation department.

(3) A submittal under section 41 or 43 by or to an entity described in subsection (2) may be made by personal or first-class mail delivery of a hard copy or by electronic mail. However, the planning commission preparing the plan shall not make such submittals by electronic mail unless, in the notice described in subsection (2), the planning commission states that it intends to make such submittals by electronic mail and the entity receiving that notice does not respond by objecting to the use of electronic mail. Electronic mail may contain a link to a website on which the submittal is posted if the website is accessible to the public free of charge.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

125.3841 Preparation of proposed master plan; submission to legislative body for review and comment; approval required; notice; submission of comments; statements as advisory.

Sec. 41. (1) After preparing a proposed master plan, a planning commission shall submit the proposed master plan to the legislative body for review and comment. The process of adopting a master plan shall not proceed further unless the legislative body approves the distribution of the proposed master plan.

(2) If the legislative body approves the distribution of the proposed master plan, it shall notify the secretary of the planning commission, and the secretary of the planning commission shall submit, in the manner provided in section 39(3), a copy of the proposed master plan, for review and comment, to all of the following:

(a) For any local unit of government proposing a master plan, the planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.

(b) For a county proposing a master plan, the regional planning commission for the region in which the county is located, if any.

(c) For a county proposing a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) For a municipality proposing a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that local unit of government is located. If there is a county planning commission, the secretary of the municipal planning commission may submit a copy of the proposed master plan to the regional planning commission but is not required to do so.

(e) For a municipality proposing a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which that municipality is located. The secretary of the municipal planning commission shall concurrently submit to the county planning commission, in the manner provided in section 39(3), a statement that the requirements of subdivision (a) have been met or, if there is no county planning commission, shall submit to the county board of commissioners, in the manner provided in section 39(3), a statement that the requirements of subdivisions (a) and (d) have been met. The statement shall be signed by the secretary and shall include the name and address of each planning commission or legislative body to which a copy of the proposed master plan was submitted under subdivision (a) or (d), as applicable, and the date of submittal.

(f) For any local unit of government proposing a master plan, each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within the local unit of government, and any government entity that registers its name and address for this purpose with the secretary of the planning commission. An entity described in this subdivision that receives a copy of a proposed master plan, or of a final master plan as provided in section 43(5), shall reimburse the local unit of government for any copying and postage costs thereby incurred.

(g) If the proposed master plan is or includes a proposed master street plan, the county road commission and the state transportation department.

(3) An entity described in subsection (2) may submit comments on the proposed master plan to the planning commission in the manner provided in section 39(3) within 63 days after the proposed master plan was submitted to that entity under subsection (2). If the county planning commission or the county board of commissioners that receives a copy of a proposed master plan under subsection (2)(e) submits comments, the comments shall include, but need not be limited to, both of the following, as applicable:

(a) A statement whether the county planning commission or county board of commissioners considers the proposed master plan to be inconsistent with the master plan of any municipality or region described in subsection (2)(a) or (d).

(b) If the county has a county master plan, a statement whether the county planning commission considers the proposed master plan to be inconsistent with the county master plan.

(4) The statements provided for in subsection (3)(a) and (b) are advisory only.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

125.3843 Proposed master plan; public hearing; notice; approval by resolution of planning commission; statement; submission of copy of master plan to legislative body; approval or rejection by legislative body; procedures; submission of adopted master plan to certain entities.

Sec. 43. (1) Before approving a proposed master plan, a planning commission shall hold not less than 1 public hearing on the proposed master plan. The hearing shall be held after the expiration of the deadline for comment under section 41(3). The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the local unit of government. The planning commission shall also submit notice of the public hearing in the manner provided in section 39(3) to each entity described in section 39(2). This notice may accompany the proposed master plan submitted under section 41.

(2) The approval of the proposed master plan shall be by resolution of the planning commission carried by the affirmative votes of not less than 2/3 of the members of a city or village planning commission or not less than a majority of the members of a township or county planning commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the planning commission to form the master plan. A statement recording the planning commission's approval of the master plan, signed by the chairperson or secretary of the planning commission, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map. Following approval of the proposed master plan by the planning commission, the secretary of the planning commission shall submit a copy of the master plan to the legislative body.

(3) Approval of the proposed master plan by the planning commission under subsection (2) is the final step for adoption of the master plan, unless the legislative body by resolution has asserted the right to approve or reject the master plan. In that case, after approval of the proposed master plan by the planning commission, the legislative body shall approve or reject the proposed master plan. A statement recording the legislative body's approval of the master plan, signed by the clerk of the legislative body, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map.

(4) If the legislative body rejects the proposed master plan, the legislative body shall submit to the planning commission a statement of its objections to the proposed master plan. The planning commission shall consider the legislative body's objections and revise the proposed master plan so as to address those objections. The procedures provided in subsections (1) to (3) and this subsection shall be repeated until the legislative body approves the proposed master plan.

(5) Upon final adoption of the master plan, the secretary of the planning commission shall submit, in the manner provided in section 39(3), copies of the adopted master plan to the same entities to which copies of the proposed master plan were required to be submitted under section 41(2).

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3845 Extension, addition, revision, or other amendment to master plan; adoption; procedures; review and findings.

Sec. 45. (1) An extension, addition, revision, or other amendment to a master plan shall be adopted by following the procedure under sections 39, 41, and 43, subject to all of the following:

(a) Any of the following amendments to a master plan may be made without following the procedure under sections 39, 41, and 43:

(i) A grammatical, typographical, or similar editorial change.

(ii) A title change.

(iii) A change to conform to an adopted plat.

(b) Subject to subdivision (a), the review period provided for in section 41(3) shall be 42 days instead of 63 days.

(c) When a planning commission sends notice to an entity under section 39(2) that it intends to prepare a subplan, the notice may indicate that the local unit of government intends not to provide that entity with further notices of or copies of proposed or final subplans otherwise required to be submitted to that entity under section 39, 41, or 43. Unless the entity responds that it chooses to receive notice of subplans, the local unit of government is not required to provide further notice of subplans to that entity.

(2) At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3847 Part of county master plan covering incorporated area; adoption by appropriate city or village required; exception.

Sec. 47. (1) Subject to subsection (2), a part of a county master plan covering an incorporated area within the county shall not be recognized as the official master plan or part of the official master plan for that area unless adopted by the appropriate city or village in the manner prescribed by this act.

(2) Subsection (1) does not apply if the incorporated area is subject to county zoning pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under the urban cooperation act, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3849 City or village planning department; authority to submit proposed master plan, or proposed extension, addition, revision, or other amendment.

Sec. 49. (1) This act does not alter the authority of a planning department of a city or village created by charter to submit a proposed master plan, or a proposed extension, addition, revision, or other amendment to a master plan, to the planning commission, whether directly or indirectly as provided by charter.

(2) Subsection (1) notwithstanding, a planning commission described in subsection (1) shall comply with the requirements of this act.

History: 2008, Act 33, Eff. Sept. 1, 2008.

125.3851 Public interest and understanding; promotion.

Sec. 51. (1) To promote public interest in and understanding of the master plan, a planning commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education.

(2) A planning commission shall consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion or

**VILLAGE OF EMPIRE
LEELANAU COUNTY, MICHIGAN**

MASS GATHERING ORDINANCE #119 AMENDMENTS

A) Ordinance #119 Mass Gathering Ordinance - Village of Empire is deleted and replaced by:

AN ORDINANCE TO PROVIDE A LICENSING PROCEDURE FOR MASS GATHERINGS TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE BY PROPER PLANNING FOR AND USE OF VILLAGE SERVICES AND PERSONNEL. THE VILLAGE OF EMPIRE ORDAINS:

Section 1. Definitions.

The following terms, as used in this Ordinance, are hereby defined to mean:

- a. "Licensee" shall mean any person to whom an approval is issued pursuant to this Ordinance.
- b. "Mass gathering" shall mean an organized outdoor event of ~~three hundred fifty (350)~~ **five-hundred (500)** people or more held at a single location on either public or private land within the Village; provided, however, a mass gathering shall not include an event sponsored by the Village itself, and/or garage/yard sales held at private residences, churches, or civic organizations occurring entirely upon the grounds of said private residence, church or organization.
- c. "Person" shall mean any natural person, partnership, corporation, Limited Liability Company, association, organization or other legal entity.
- d. "Sponsor" shall mean any person who organizes, promotes, conducts or causes to be organized, promoted or conducted, a mass gathering.
- e. "Sketch Plan" shall mean a composite drawing on a Village Map that identifies the specific locations of each required amenity and layout of the specific site which includes all requirements of an application.
- f. "Village" shall mean the Village of Empire.

Section 2. License Requirements.

2.1 Necessity of License.

A person shall not sponsor, maintain, conduct, promote or permit a mass gathering in the Village without first obtaining a license from the Village for such mass gathering. In addition, a person shall not sponsor, maintain, conduct, promote or permit an organized outdoor event of any size in conjunction with or on the same date and at the same location as a mass gathering without first being included in the application of and being included on the approved license for the mass gathering.

2.2 Application for License.

No less than **ninety (90)** ~~thirty (45)~~ days before the proposed mass gathering, except as provided for in Section 2.6, the sponsor(s) of the mass gathering shall submit in writing an application for a mass gathering license to the Village's Enforcement Officer on such forms and in such manner as the Village prescribes.

For the application to be considered by the Village of Empire, the application shall be determined by the Enforcement Officer to be administratively complete and shall contain:
~~at least:~~

- (1) The name(s), address(es) and telephone number(s) of the proposed mass gathering sponsor(s);
- (2) The date(s) and estimated hours of the proposed mass gathering;
- (3) A description of the kind, character and type of mass gathering proposed;
- (4) The address or location of the site at which the proposed mass gathering will be held, including a written statement from the property owner consenting to the use of the property for the proposed mass gathering;
- (5) An estimate of the maximum number of people expected to attend the proposed mass gathering;
- (6) A **detailed** written statement that indicates how the sponsor(s) plans to provide for the following:
 - (a) Police and fire protection;
 - (b) Medical facilities and services, including emergency vehicles and equipment;
 - (c) Food and water supply facilities;

- (d) Health and sanitation facilities;
- (e) Vehicle access and parking facilities;
- (f) Cleanup and waste disposal;
- (g) Noise control; **and**
- (h) Insurance and bonding arrangements.

(7) A sketch plan shall be included with the application which shows at a minimum, areas of staging, parking, sanitation facilities, emergency corridors and first-aid stations, ingress and egress locations, **traffic control, pedestrian** crossing areas, waste disposal, food service (**if any**), and water facilities and resources;

(8) The applicant shall attach a letter from all required entities that they have received a copy of the application and accept the general layout as presented according to the entity's requirements.

(9) The names and mobile phone number(s) of the on-site event coordinator representing the applicant/application organization.

(10) Plan for traffic control, if deemed necessary by the Enforcement Officer, including the number, location(s) and traffic control goal(s) for on-site traffic control volunteers provided by the applicant.

(11) Location, time, days, and duration of the proposed use(s) of any Village-owned property for a mass gathering.

2.3 Application Fee.

Each application for a mass gathering license shall be accompanied by a non-refundable fee in an amount established from time to time by the Village Council as established in the Village's Schedule of Fees.

Note: currently fee is \$500 for event with #500 or more attendees. Suggest increase to \$1,000-\$1,500 and need to change to #350 threshold or change threshold number to #500.

2.4 Action on Application.

After receiving an application for a mass gathering license and the appropriate fee(s), the Village's Enforcement Officer or his/her appointee, shall review and consider the information contained in the application and shall, if necessary, investigate or cause to be investigated the circumstances surrounding the proposed mass gathering, including the suitability of the site for the proposed mass gathering, the length of the proposed mass gathering, the number of people anticipated to attend, whether there is a conflict with other uses of the site, the increased demands on the **County Sheriff** ~~Village police~~, fire department and emergency medical resources, and the sponsor's plans to provide adequate food and water facilities, bathroom

facilities, disposal of solid waste and garbage, **traffic patterns**, vehicle parking, **and** access and pedestrian routes to and within the site. Prior to granting the license, the Enforcement Officer may, in such officer's sole discretion, seek guidance from the Village Council as to the terms and conditions necessary for the issuance of said license.

If the proposed mass gathering proposes to use Village-owned property, the Village Council must review and approve the proposed use(s) of Village-owned property at the next regular Village Council meeting and before the Enforcement Officer can make a final decision on any administratively complete application.

Within thirty (30) days after receiving an **administratively** completed application **and/or Village Council approval of the use of Village-owned property** for a mass gathering license, the Village's Enforcement Officer **and/or Village Council** shall approve, **approve with conditions or deny** the application and issue the mass gathering license, unless **the Village Enforcement Officer and/or the Village Council** ~~he or she~~ finds by a preponderance of the evidence that holding the mass gathering as proposed would be detrimental to the public health, safety and welfare of the Village. If the Village's Enforcement Officer **and/or Village Council** denies a mass gathering license, the Village Clerk shall send written notice of the denial, including the reasons for the denial, to the sponsor(s) by certified mail within five (5) days of the denial decision.

The Village Enforcement Officer **and/or Village Council** may attach any conditions to the issuance of such license which ~~said officer, in his or her sole discretion~~, **either** deems necessary to protect the public health, safety and welfare.

2.5 Requirement for Applicant's Reimbursement to the Village.

(a) Additional cost determination.

During the Enforcement Officer's review, determination of the estimated cost to the Village in means of service or personnel shall be calculated and the applicant shall be responsible for reimbursement to the Village for **any the estimated additional** cost. Since most events are customarily held on weekends, overtime rates shall be used in the calculation for all events held on weekends.

This estimate shall not include the Village's regularly scheduled activities or personnel schedules that would normally be scheduled on the specific date(s).

(b) Reimbursement requirement for Village employees.

Determination for **Village staff-man-power** hours shall be based on the Village's actual cost to have the lowest paid departmental employee(s) in ascending order for the specific task on duty during the event. Reimbursement shall be based on all cost associated to the specific employee

including, but not limited to, regular or overtime pay, fringe benefit reimbursement and insurances.

(c) Reimbursement requirement for Village equipment or supplies.

Reimbursement to the Village for equipment, vehicles or supplies and services such as refuse disposal cost and vehicles shall be based on actual cost of equipment or services, or vehicle cost based on the State of Michigan's Schedule of Equipment Cost, as amended, and as updated by the State of Michigan Treasury at the time of the event.

(d) Reimbursement payment to the Village.

All cost reimbursements due to the Village must be paid in full within not more than **thirty** (30) days after the final date of the event. The Village shall use any legal means necessary to collect any unpaid cost reimbursements. Non-payment of reimbursement cost may jeopardize the event's next scheduled activity and can be grounds for denial of future applications. The Village Enforcement Officer may require the applicant to post a two thousand dollar (\$2,000.00) performance bond or cash security deposit as a condition of granting the license if, in said officer's sole discretion, such performance bond or cash security deposit is necessary to ensure the Village will be reimbursed for its costs as provided for in this ordinance.

2.6 Exemption From Other Ordinances. ~~Waiver.~~

~~The Enforcement Officer may waive the requirement in Section 2.2 that application for a license be filed no less than 45 days~~ **ninety (90) days** ~~before the proposed mass gathering if circumstances make it impossible for the applicant to comply.~~ It is the express intent of the Village of Empire that all mass gatherings held within the Village shall be governed by this Ordinance and shall therefore be exempt from the provisions of similar Leelanau County ordinances not specifically adopted by the Village Council. The Village Enforcement Officer may accept or reject any review, decision, determination or recommendation by Leelanau County or its officers for any event held or to be held within the Village limits. The Village Enforcement Officer will submit at a minimum, a notice to the Leelanau County Emergency Management Coordinator informing him or her of the date(s) and the event.

Section 3. Enforcement Officer.

Unless and until a different person is assigned the authority and duties of the Enforcement Officer under this ordinance, all of said authority and duties shall be performed by the Village's Zoning Administrator who shall serve as the Enforcement Officer during such time.

Section 4. Appeals Process.